



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of

VIDALINC

Atty. Ref.: 960-50; Confirmation No. 1721

Appl. No. 10/590,362

TC/A.U. 1797

Filed: August 23, 2006

Examiner: THERKORN, Ernest G.

For: METHOD AND DEVICES FOR DRY LOADING OF CHROMATOGRAPHY RESINS

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**February 1, 2010**

**Office of Petitions**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §  
1.705(b)**

This Application is being filed prior to or with the payment of the issue fee, the Notice of Allowance having been mailed October 30, 2009.

The Rule 18(e) fee (fee code 1455 - \$200) required by Rule 705(b)(1) is attached. The Office is requested to charge the undersigned's Deposit Account No. 14-1140 for any missing or deficient required fee for consideration of the present Application.

The Notice of Allowance indicates a PTA of 370 days. The correct patent term adjustment is submitted to be 398 days, as further described herein.

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APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §  
1.705(b)

The following are bases under 37 CFR § 1.702 for adjustment:

(a) Rule 702(a)(1): **373 days** or the period from beginning on the day after the date on which the application was filed (i.e., October 24, 2007) and ending on the date of mailing of an action under 35 USC § 132 (i.e., October 30, 2008) (see 37 CFR § 1.703(a)(1)); and

(b) Rule 702(b)(1): **28 days** or the number of days beginning on the day after the date that is three years after the date on the application was filed (i.e., August 24, 2009) and ending on the date a patent was issued, but not including the number of days in the period beginning on the date which a request for continued examination was filed (i.e., September 21, 2009) and ending on the date the patent was issued (see 37 CFR §§ 1.703(b) and 1.703(b)(1)).

The Patent Office delay prescribed by 37 CFR § 1.702(b)(1) can be calculated even though the patent has not yet issued as the period from the filing of the RCE on September 21, 2009 through the issuance of the application as a patent is subtracted from the period spanning from August 24, 2009 through the issuance of the application as a patent. The definite date of the issuance of the patent is not required to determine the time period spanning from August 24, 2009 through and including September 20, 2009 (i.e., the period prescribed by 37 CFR § 1.703(b) but not including the period prescribed by 37 CFR § 1.703(b)(1)). The present Application is being filed in the event the Patent Office takes the position that a similar such request after issuance of the patent would be barred under 37 CFR § 1.705(d).

The following are bases under 37 CFR § 1.704 for reduction of the PTA:

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APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR §  
1.705(b)

(b)(1) Rule 704(b): **1 day** or the number beginning on the day after the date that is three months after the mailing of an Office Action (i.e., May 25, 2009) and ending on the date the reply was filed (i.e., May 26, 2009); and

(b)(2) Rule 704(b): **2 days** or the number beginning on the day after the date that is three months after the mailing of an Office Action (i.e., September 19, 2009) and ending on the date the reply was filed (i.e., September 21, 2009).

The adjustment as specified in 37 CFR § 703(f) to which the patent is entitled is **398 days** (i.e.,  $373 + 28 - 1 - 2$ ).

The patent is not subject to a Terminal Disclaimer.

Grant of the present Application, correction of the Patent Office records and notice to the undersigned on the Issue Notification, for example, of the corrected PTA are requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:                     /B. J. Sadoff/                      
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